

**Statement of
Chairman Henry J. Hyde
Before the
Committee on International Relations
September 8, 2005**

Markup of H. Res. 375

Today the Committee will consider three resolutions of inquiry, which I intend to call up sequentially. Ms. Lee of California introduced H. Res. 375, requesting the President and directing the Secretary of State to transmit documents related to communications with the United Kingdom between January 1, 2002 and October 16, 2002 regarding the United States' policy with respect to Iraq. Mr. Hinchey of New York introduced H. Res. 408, requesting the President and directing the Secretary of Defense to transmit information related to communications with officials of the United Kingdom between January 1, 2001 and March 19, 2003 regarding the United States' policy with respect to Iraq. Finally, Mr. Holt of New Jersey introduced H. Res. 419, directing the Secretary of State to transmit documents from May 6, 2003 to July 31, 2003 related to the disclosure of the identity and employment of Valerie Plame.

Before calling up the first of the three resolutions, H. RES. 375, I would like to note that this Committee has reported adversely five resolutions of inquiry in the recent past, including resolutions either very similar or nearly identical to the resolutions before us today.

H. RES. 375 follows publication of the so-called "Downing Street Memo," a memorandum prepared for a meeting on July 23, 2002 between Tony Blair and British officials. The Memo was leaked and originally published in the May 1, 2005 edition of London's *The Sunday Times*. The heart of the Downing Street Memo and the political activism surrounding it centers on the author of the memo's description of his impressions of U.S. prewar intelligence on Iraq.

The Downing Street Memo does not raise anything new. The decision to go to war in Iraq and the intelligence surrounding the decision have been examined and reexamined. Even a partial recitation of the studies of this subject is a lengthy exercise, so please bear with me.

The two congressional select committees on intelligence, the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (known as the Silberman-Robb Commission), the House of Commons Foreign Affairs Committee, and the British Hutton Inquiry all reviewed - in detail - prewar intelligence on Iraq. None found any evidence of Administration officials attempting to coerce, influence or pressure intelligence analysts or "fixing" intelligence.

The Senate and House Permanent Select Committees on Intelligence have exhaustively investigated our prewar intelligence on Iraq. Both of these committees,

while finding failures in our intelligence assessments and methods, found no evidence that the Administration “fixed” intelligence to justify its policies. For instance, Conclusion number 83 in the Senate Intelligence Committee report entitled, “U.S. Intelligence Community’s Prewar Intelligence Assessments on Iraq,” states: “The Committee did not find any evidence that Administration officials attempted to coerce, influence or pressure analysts to change their judgments related to Iraq’s weapons of mass destructions capabilities.” This conclusion, as is true of the entire report, was approved by a unanimous, bipartisan vote by the Senate Committee.

The Chairman of the Senate Intelligence Committee, in his additional views on the Senate’s report, noted:

“The Committee set out to examine a number of issues including whether anyone within the Intelligence Community was pressured to change their judgments or to reach a specific judgment to suit a particular policy objective. Not only did we find no such “pressure,” we found quite the opposite. Intelligence officials across the Community told Members and staff that their assessments were solely the product of their own analyses and judgments. They related to Committee staff in interview after interview their strong belief that the only “pressure” they felt was to get it right. Every individual with whom we spoke felt a deep sense of responsibility to provide the highest quality product possible.”

The Senate Committee reviewed the record of intelligence on Iraq over the span of years stretching back more than a decade to the First Gulf War. The Chairman of the Senate Intelligence Committee, Senator Roberts, in his additional views on the Senate’s report, noted:

“Nowhere in this process did we find any unexplained gaps or evidence that judgments were changed for any reason other than the logical evolution of the analyses. Had there been a successful attempt to alter the judgments of the Intelligence Community, there would have been an obvious, unsubstantiated and inexplicable deviation from this progression. We found no such deviation. What we did find was largely good faith, albeit flawed, analyses that were influenced only by the intelligence reporting and the efforts of intelligence professionals trying hard to get it right.”

Senator Roberts also notes that no member of the Intelligence Community, despite public pleas for anyone with concerns about the manipulation of prewar intelligence on Iraq – not one – ever came forward with such concerns, either anonymously or otherwise.

The Senate’s report, which runs over 500 pages, is the product of over twelve months of Committee review of over 45,000 pages of intelligence documents spanning a decade; interviews of over 200 individuals, including National Security Council staff members; and four committee hearings. As noted by its Chairman, the scope of the Senate Intelligence Committee’s 12-month inquiry into the U.S. Intelligence

Community's prewar assessments regarding Iraq is without precedent in the history of the Committee.

Senator Roberts' conclusion on the issue of intelligence manipulation is worth repeating: "In the end, what the President used to make the extremely difficult decision to go to war was what he got from the Intelligence Community, and not what he or Administration officials tried to make it."

The House Select Committee on Intelligence reviewed U.S. intelligence regarding the amount or existence of weapons of mass destruction in Iraq, including the issues of bias, dissenting views and how intelligence was disseminated, and the linkages between Iraq and terrorist organizations. The Chairman and Ranking Member of the House Intelligence Committee informed the International Relations Committee that our members had been granted access to the documentation provided by the Central Intelligence Agency that the Intelligence Committee was studying in its review. Again, no evidence of "fixing" intelligence surfaced.

The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (the Silberman-Robb Commission) is seen as producing the definitive report on the issue of prewar intelligence on Iraq. This was a blue ribbon, bipartisan commission headed by former Senator Robb and Judge Silberman as co-chairmen, which included a talented and experienced group of commissioners such as Senator McCain, Walt Slocombe, Judge Wald, and Lloyd Cutler, and was supported by a bipartisan, experienced professional staff of 88 professionals and consultants. The final report runs over hundreds of pages and is nothing, if not thorough, in its scope and depth of review. Especially important to us today as we consider H. RES. 375 are the following conclusions:

"We conclude that the Intelligence Community was dead wrong in almost all of its pre-war judgments about Iraq's weapons of mass destruction. ... Its principal causes were the Intelligence Community's inability to collect good information about Iraq's WMD programs, serious errors in analyzing what information it could gather, and a failure to make clear just how much of its analysis was based on assumptions, rather than good evidence.

...

After a thorough review, the Commission found no indication that the Intelligence Community distorted the evidence regarding Iraq's weapons of mass destruction. What the intelligence professionals told you about Saddam Hussein's programs was what they believed. They were simply wrong.

...

Finally, we closely examined the possibility that intelligence analysts were pressured by policymakers to change their judgments about Iraq's nuclear, biological, and chemical weapons programs. The analysts who worked Iraqi's weapons issues universally agreed that in no instance did political pressure cause them to skew or alter any of their analytical judgments." *Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (the Silberman-Robb Commission)*

Senator Roberts perhaps summed up the significance of the Silberman-Robb Commission report best when he stated, “I don’t think there should be any doubt that we have now heard it all regarding prewar intelligence. I think that it would be a monumental waste of time to replot this ground any further. We should now turn our full attention to the future ...”

In reviewing this mountain of public evidence found in these reports that refute the notion of any “fixing” of intelligence, we should not ignore the obvious. There was no need for supporters of the war to “fix” intelligence in the run-up to the war because the prewar belief among the Intelligence Community and policymakers that Iraq had weapons of mass destruction was overwhelming. Both the Intelligence Community, as reflected in its reports, and policymakers of both political parties believed with certainty that Iraq had weapons of mass destruction.

In October 2002, at the request of members of Congress it should be noted, the National Intelligence Council produced a National Intelligence Estimate, known as an NIE, which is the most authoritative intelligence assessment produced by the Intelligence Community. According to the Silberman-Robb report, this estimate concluded, wrongly as it turned out, that Iraq’s biological weapons capability was larger and more advanced than before the Gulf War, that Iraq possessed mobile biological weapons production facilities, that Iraq had renewed production of chemical weapons, including mustard, sarin, GF, and VX, that it had accumulated chemical stockpiles of between 100 and 500 metric tons, and that Iraq had unmanned aerial vehicles that were probably intended for the delivery of biological weapons. Such a catalogue of assertions from the Intelligence Community regarding Iraqi weapons of mass destruction required no embellishment or “fixing” by those policymakers seeking to confront Iraq over WMD.

The firm belief that Iraq possessed weapons of mass destruction was shared by leaders of both political parties. As early as 1998, President Clinton stated: “...there should be no doubt, Saddam’s ability to produce and deliver weapons of mass destruction poses a grave threat to the peace of that region and the security of the world.” National Security Advisor Sandy Berger remarked: “Year after year, in conflict after conflict, Saddam has proven that he seeks weapons, including weapons of mass destruction, in order to use them.” Senator John Kerry stated in 2003: “I think Saddam Hussein’s weapons of mass destruction are a threat, and that’s why I voted to hold him accountable and to make certain that we disarm him.”

In a 2004 interview, former Weapons Inspector David Kay answered the question whether it was a fair statement that the Administration misled the American people by stating, “I think it’s not fair and it also trivializes what we did find and the problem we face. The problem we face is that before the war, not only the U.S. administration and U.S. intelligence, but the French, British, Germans, the U.N. all thought Saddam had weapons of mass destruction. Not discovering them tells us we’ve got a more fundamental problem.” David Kay also notes that “this view of Iraq was held during the Clinton administration and didn’t change in the Bush administration. It is not a political “got you” issue.”

It is worth noting that the British inquiry into prewar intelligence on Iraq conducted by Lord Hutton made findings similar to those made in all the U.S. reports. In his summary of conclusions, Lord Hutton dismissed the allegation that the British intelligence dossier supporting the use of force against Iraq was “sexed-up”: “I consider that the allegation was unfounded as it would have been understood by those who heard the broadcasts to mean that the dossier had been embellished with intelligence known or believed to be false or unreliable, which was not the case.”

H. RES. 375 is drafted in such sweeping and overbroad language that would include Presidential documents of the most sensitive nature involving communications between heads of state. Complying with such inquiries would run contrary to long-established constitutional principles and set a dangerous precedent. George Washington, confronting this Nation’s first resolution of inquiry, was mindful of setting such a precedent. Washington wrote:

“The nature of foreign negotiations requires caution, and their success must often depend on secrecy; and even when brought to a conclusion a full disclosure of all the measures, demands, or eventual concessions which may have been proposed or contemplated would be extremely impolitic; for this might have a pernicious influence on future negotiations, or produce immediate inconveniences, perhaps danger and mischief, in relation to other powers. . . . To admit, then, a right in the House of Representatives to demand and to have as a matter of course all the papers respecting a negotiation with a foreign power would be to establish a dangerous precedent.”

We cannot afford to be less mindful. A demand for the communications between heads of state would cripple the President’s ability to act in this country’s interests. H. Res. 375 requests documents that would include the President’s telephone and e-mail records, as well as logs, calendars, minutes, and memos.

Neither President Bush nor future presidents of this country could effectively manage our foreign affairs if foreign leaders feared that their supposedly private communications could be made public. A foreign memo from an unnamed source containing hearsay thrice removed is no justification for shackling the Executive Office.

H. RES. 375 would send the wrong signal to our brave allies in the Middle East and would work to undermine our great enterprise of fighting terrorism and establishing democracy in the Middle East. I urge you to vote to report this resolution adversely.